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Attorney Docket No.: JP920000257US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re PATENT APPLICATION of:	
Zhi li Guo et al.	
Appln. No.: 09/943,341	Art Unit: 2176
Filed: August 31, 2001	Examiner: C. T. NGUYEN
For: AN AUTOMATIC CORRELATION METHOD FOR GENERATING SUMMARIES FOR TEXT DOCUMENTS	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop **AF**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to an Official Gazette Notice dated, 12 July, 2005, Applicants hereby request a Pre-Appeal Brief Conference in the above identified application. This Request is being filed with a Notice of Appeal, appealing a June 2, 2005, Final Rejection of the above identified application. In particular, the Appellants identified significant differences between the cited references and the finally rejected claims in an amendment after final filed August 2, 2005 (Amendment), which were either addressed in an unsupported, conclusory general denial, or not at all, in an Advisory Action (Advisory) mailed August 23, 2005, or in a subsequent second Advisory Action, mailed September 15, 2005. In addition, the wrong burden was applied to the Amendment in the conclusory general denial of the Advisory. Accordingly, *prima facie* obviousness under 35 U.S.C. §103(a) has not been established and cannot be maintained for finally rejected claims 2 – 7 and 9 – 22.

The Appellants noted in the Amendment, that Fein et al. does not teach "'comparing an aggregate sum with said score sum, said aggregate sum being a sum of aggregated word scores and aggregated sentence scores' as claim 15 (and analogously claim 19) recites, even leaving aside that the Fein et al. sentence score is not iteratively computed." *See*, pages 13 – 14, last sentence of the bridging paragraph. The Appellants also pointed out that "generating different sentence scores by iteratively eliminating sentences and re-scoring the remaining sentences, ... is quite different from generating an aggregate sum, and 'if said aggregate sum is different than said score sum, returning to the step of computing the aggregated word score' as recited in the finally rejected claims."

The sole response in the Advisory Action was that "Fein discloses a summarizer initially scores (score sum) all of the sentences (page 5, paragraph [0055]), and comparing the sentence string (aggregated sentence score) to a pre-compiled list of words and phrases (initially scores) (page 4, paragraph [0040])." Page 2. This does not rise to the level of a specific denial of the differences noted by the Appellants. It certainly does not speak to the specific differences that the Appellants noted in the Amendment. Nor does it rise to the level of denying that references do not teach "iteratively refining sentence and word scores until the sum of scores remains the same as recited in claims 15 and 19, [and that, therefore,] Fein et al., Kupiec et al. and Weeks do not teach the identical function in substantially the same way as the invention, and produce substantially the same results." Amendment, at the middle of page 13.

Furthermore, while the Appellants had raised the above differences, which were only conclusorally addressed in the Advisory, or not addressed, the final rejection was maintained because the "Applicant [sic] did not add any new issues to the pending claims," at page 2 of the Advisory Action. If this is intended to mean that the Appellants did not amend the claims, Appellants had no obligation to amend the claims in light of

the above differences. If this is intended to imply, that the arguments in the Amendment are not persuasive, then the Office is under an obligation to show where the references disclose elements or equivalents addressing each of the above identified shortcomings. No such showing has been made. Accordingly, finally rejected claims 2 – 7 and 9 – 22 have not been shown to be *prima facie* obvious under 35 U.S.C. §103(a).

Independent review and consideration is respectfully solicited. Please charge any deficiencies in fees and credit any overpayment of fees to IBM Corporation Deposit Account No. 50-0510 and advise us accordingly.

Respectfully Submitted,

September 30, 2005
(Date)

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